

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN R. BLUMATTE, a/k/a ROBERT ANGONA,  
a/k/a JOHN BLUE,

*Plaintiff,*

*-against-*

GERARD QUINN, DONALD ROGERS,  
STEPHEN FARTHING, RANDOLPH LERNER,  
JR., DAVID LEVINSON, RUSSELL  
WILKINSON, EILEEN GUGGENHEIM,  
ROBERT BOLANDIAN, CHRISTOPHER  
FORBES, MARGOT GORDON, ROLAND  
GRYBAUSKAS, LUDWIG KUTTNER,  
DOUGLAS OLIVER, DAVID SCHAFER,  
DENNIS SMITH, THE GRADUATE SCHOOL  
OF FIGURATIVE ART OF THE NEW YORK  
ACADEMY OF ARTS, and JEFFREY C. SLADE,

*Defendants.*

No. 2007 Civ. 2944 (JSR)

**NOTICE OF MOTION TO  
DISMISS AMENDED  
COMPLAINT**


**PLEASE TAKE NOTICE** that, upon the Declaration of Bennette D. Kramer, dated July 25, 2007, and the exhibits thereto, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint dated July 18, 2007, Defendants Stephen Farthing, Randolph Lerner, Jr., David Levinson, Russell Wilkinson, Eileen Guggenheim, Robert Bolandian, Christopher Forbes, Margot Gordon, Roland Grybauskas, Ludwig Kuttner, Douglas Oliver, David Schafer, Dennis Smith (collectively, the "Academy Defendants") and the Graduate School of Figurative Art of The New York Academy of Art (the "Academy") will move this Court before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, at 11:30 am on August 27, 2007, for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing Plaintiff's Amended Complaint for

failure to state a claim upon which relief may be granted, and for such other and further relief as the Court deems appropriate.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the schedule set by the Court, any opposing papers must be served on August 13, 2007, and reply papers served on August 21, 2007.

Dated: New York, New York  
July 25, 2007

**SCHLAM STONE & DOLAN LLP**

By: 

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and the Academy*